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Chairman: Mr. AL-SHAALI (United Arab Emirates)

CONTENTS

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 70, A/46/71*-E/1991/9*, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205*, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587* and A/46/598-S/23166; A/C.3/46/L.25)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (A/46/3 (chap. VI, sect. C), A/46/24, 420, 421, 422, 473, 504, 542, 543, 603, 609 and Add.1 and A/46/616; A/C.3/46/L.2 and L.3)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (A/46/3 (chap. VI, sect. C), A/46/401, 446, 529, 544, 606 and 647)

1. Mr. PICKERING (United States) said that human rights were natural rights and that tyranny which prevented them from being exercised was an unnatural usurpation doomed to failure. The only safeguard of restraint in the exercise of power, and thus of respect for human rights, was democracy, which required Governments to stand periodically before the judgement of their peoples in free elections.

2. That was the principle which had presided over the founding of the United States and it was in that spirit that the United Nations had had its birth, for although it was a compact among nation States its Charter rightly began with the words "We the peoples of the United Nations".

3. The fact that each country's approach to human rights reflected its own social organization and religious values did not prevent those rights from being universal. Human rights were not granted by Governments; on the contrary, Governments had a legitimate claim to power only in so far as they protected those pre-existing rights. That was why all States which had undertaken to respect the Universal Declaration of Human Rights were co-responsible for the rights of the citizens of all other subscribing States.

4. Repressive regimes evoked the principle of non-interference to evade that responsibility; the President of Panama, Mr. Endara, in his address to the General Assembly, had rightly termed such arguments sophistry. Such sophistry had been denounced in the same Assembly also by the King of Spain and the former Soviet Minister for Foreign Affairs, Mr. Pankin, who had called it an "artificial pretext".

5. The victory of the people who, in August 1991, defeated the schemes of those whom Mr. Pankin had called "political monsters", and the return of Estonia, Latvia and Lithuania to their place among free nations, had been greeted with joy by the whole world.

(Mr. Pickering, United States)

6. That joy, however, must not cause the world to forget those who were still living under the yoke of tyranny. The Swedish Minister for Foreign Affairs had said in the General Assembly that in a hemisphere where democracy reigned Cuba was a tragic exception. The Cuban Government continued to oppress its people, in disdain for the Commission on Human Rights, and to prevent the Special Representative of the Secretary-General from fulfilling his mandate under the Commission's resolution 1991/68. As President Bush had reiterated in the General Assembly, a government which prevented its citizens from speaking their minds, forming political parties and electing their own leaders, was a government that had failed in its mission. It was to be hoped that the wind of freedom, which had already brought the Hungarian Prime Minister, Mr. Antall, to express his gratitude in the Assembly to those who kept the dream of freedom alive, would one day reach Cuba also.

7. The United States deplored the survival of oppressive regimes in many countries: in China, for example, men and women whose only crime was to voice an opinion were still imprisoned. Myanmar refused to implement the results of the May 1990 elections; the Member States of the United Nations should exert collective pressure to put an end to that situation and to the human rights abuses committed in that country. The winner of the Nobel Peace Prize, Aung San Suu Kyi, was still imprisoned despite the Secretary-General's appeals, to which the United States wished to add its voice. In Afghanistan, the foreign-installed regime should give way to a representative Government, in accordance with the principles set out by the Secretary-General on 21 May, which the United States strongly supported. In Haiti, a military coup d'état had removed a President elected by the people after a free election organized with the active assistance of the United Nations. The United States had called for the immediate restoration of President Aristide to office and the Organization of American States was playing a critical role in the efforts to bring about his return.

8. The people of Kuwait had been freed from brutal Saddam Hussein's grasp; the United Nations had shown on that occasion that it was able to act effectively to protect the principles upon which it had been founded. As the Italian Minister for Foreign Affairs, Mr. de Michelis, had observed a few weeks earlier, the right to intervene for humanitarian ends and the protection of human rights was gaining ground. Nevertheless, Saddam Hussein continued to oppress the people of Iraq: he was blocking the equitable distribution of food, multiplying obstacles to the work of private non-governmental organizations, refusing to implement Security Council resolutions 706 and 712 (1991), which allowed the sale of oil to purchase food and medicine, and victimizing his citizens, in particular the Kurds and Shiites. He refused to give an account of some 2,000 persons snatched from the streets during the Iraqi occupation. His behaviour was an affront to all mankind.

9. The United States also deplored the massive abuse of human rights taking place in Iran: arrests, summary trials, arbitrary executions and the victimization of the Baha'i international community.

(Mr. Pickering, United States)

10. Those examples contrasted with other countries where democracy was gaining. In Zambia, for example, a free election held with the assistance of international observers, in particular the Organization of African Unity, had recently brought about the peaceful transfer of power from one party to another by constitutionally prescribed means. In South Africa, the Government of President de Klerk had embarked on a process of reform, and discussions were being held with the opposition aimed at negotiating a non-racial constitution. It was to be hoped that apartheid would soon be only a bitter memory.

11. Some dictators, arguing from the errors of historical materialism, claimed that economic conditions in their countries made democracy impossible; the truth was the reverse: it was failure to respect human rights that hindered economic development. Human rights were not a luxury, the fruit of economic development, but an engine of that development. Democracy, accountability of government to the people, market-based economic policies and full participation by citizens in political life were the keys to success in the post-cold-war period.

12. Accordingly, donor States should insist on the inclusion of human rights clauses in bilateral aid agreements.

13. International action in support of human rights should be based on a mix of specific instruments and institutionalized methods for implementing those instruments. The suggestion made in the plenary by the Austrian Minister for Foreign Affairs, Mr. Mock, that a panel of experts should be set up as the investigative arm of the Commission on Human Rights merited serious consideration. As part of the preparations for the 1993 World Conference on Human Rights, steps should be taken to revitalize the Centre for Human Rights and the Commission on Human Rights; their routine function should be to supervise the implementation of human rights instruments, and to investigate and denounce massive violations. The Conference should be viewed not as an end in itself but as a mechanism for improving the enjoyment of human rights, and the preparations should be approached with that in mind. The studies and seminars should be directed not to those who were already defending human rights but to those who were in need of assistance.

14. In the post-cold-war era, the United Nations was presented with historic opportunities. The United States welcomed the decision by all the parties to the Arab-Israeli peace process to begin face-to-face negotiations. Lasting peace could be achieved only if all the peoples of that troubled region fully enjoyed human rights and political freedoms and if the existence of Israel and its neighbours was guaranteed within safe and secure borders.

15. The new era which was beginning should, as President Bush had said, be one of a pax universalis, the cornerstone of which must be respect for the human rights of every citizen of the planet.

16. Mr. LUNA (Peru) said that the joy aroused by the end of ideological confrontations was overshadowed by what he called the "post-cold-war syndrome", namely, trends towards integration in one region, ethnic extremism and nationalist outbursts in another, and the fragility of democratic regimes in Latin America, as shown by the violent overthrow of nascent democracy in Haiti. Against that turbulent background, human rights - civil and political, social and economic - should be the main focus of international life.

17. While human rights knew no geographical boundaries and should not give way before reasons of State, it was important for the international community, in its efforts to ensure the universality of human rights, to take into account the variety of regions and cultures, without unduly favouring a given political and ideological model. In the context of democracy and peaceful coexistence, human rights had a fundamental role to play, because it was in the name of human rights that the deplorable social situation of third world countries was condemned and traditional forms of authority and unjust economic structures were called into question. It was necessary, however, to avoid using human rights as a unilateral means of pressure. The social and economic rights of peoples could not be forced into the mould of traditional international relations. It was in that spirit - which was becoming increasingly widespread at the United Nations - that every effort should be made to support the preparations for the international conference on development financing, proposed by the Secretary-General, and the world summit for social development, with the dual aim of allocating, based on pragmatic and equitable criteria, a just share of public and private resources to the social component of development, and of establishing an order of priorities in the social field. In that way, the collective efforts to ensure the universality of human rights could give priority to content over form. The development strategy must be reformulated; development must go hand in hand with democracy, which was the expression of the will of the people and of self-determination. Nevertheless, efforts should be made to avoid unilaterally imposing a particular type of democracy. For those reasons, the regional groups must play a role in the World Conference on Human Rights.

18. He described the reforms which were being implemented in his country in order to strengthen democracy and to reintegrate Peru into the international financial system through painful, but necessary, economic reorganization measures, and new strategies to combat terrorism and drug trafficking. Peru had established a "peace council", whose main task would be to draw up a national peace plan.

19. Another facet of the Peruvian strategy was concern for respecting human rights in the battle against terrorism, which had been the basis of the recent decree authorizing searches of all places where persons who had been detained or reported missing might be found. In the same spirit, Peru had received a delegation from the Inter-American Commission on Human Rights, which had been able to talk with the President and senior officials and to visit the areas under the state of emergency.

(Mr. Luna, Peru)

20. With regard to its reintegration into the international financial system, Peru was strictly observing the agreements concluded with the International Monetary Fund (IMF) with the support of the international community, and it had received $1.3 billion from the support group consisting of Belgium, Canada, Chile, Colombia, France, Germany, Italy, Japan, Mexico, the Netherlands, Spain, Sweden, Switzerland, the United States and Venezuela. Furthermore, the Government had adopted several economic restructuring measures, including privatization.

21. The revitalization of the economy and the restoration of democracy was being accompanied by a battle against extreme poverty.

22. Nevertheless, Peruvian democracy was facing internal enemies, such as the blood-thirsty terrorist group Shining Path, which did not know the meaning of the words freedom, human rights and democracy, and the revolutionary movement Tupac Amaru.

23. Peru was not a totalitarian State. The number of persons reported missing had greatly decreased under the administration of President Fujimori, while terrorist activities were expanding and targeting even human rights organizations. Far from oppressing civil society, which it reflected, the Government had joined society in the battle against a group of fanatics who were preying on the poorest members of society - innocent peasants and residents of poor neighbourhoods. Governments and agencies, including non-governmental organizations, must not allow themselves to be deluded by Manichean arguments which cited economic and social disparities as justification for terrorism, and must condemn and combat fanatic dogmatism. The very fact that Shining Path had failed to mobilize the peasant masses was ample proof that it did not meet the aspirations of the people.

24. The international community had welcomed the transformations which had taken place in Eastern Europe, and Peru, which was endeavouring to defend its democracy while respecting the dignity of the human person, could not fail to welcome them as well.

25. Mr. ALFARO-PINEDA (El Salvador) affirmed his country's attachment to human rights, while noting that every one must freely choose a means of satisfying his material and spiritual needs. Peoples were organized in societies which reflected the cultural specificities of that peoples; in the common interest, those societies must be governed. History attested to the existence of a wide variety of forms of government, from the cruelest kinds of totalitarianism, under which elections had no place or were reduced to a charade, to real democracies in which governments were elected by the majority of citizens.

26. In his country's view, there was no substitute for periodic and genuine elections, because democracy was rooted in the people, which expressed itself through the ballot.

(Mr. Alfaro-Pineda, El Salvador)

27. Many people took democratic elections for granted. For Salvadorians, who had gone to the polls amid shootings and bombardments, they had been a real effort, through which, since the elections of March 1991, the country had established a Legislative Assembly representing all currents of thought, including the Communist Party.

28. During the seven elections which had been held in El Salvador since 1982, international observers had ensured the credibility of the voting process.

29. For those reasons, El Salvador supported the appointment of a coordinator for electoral questions and the drawing up of a list of international experts who could coordinate missions as special representatives of the Secretary-General. Their role would not only be to give advice, but to ensure the credibility of the voting process.

30. As the century which had seen democracy triumph drew to a close, Latin America was proud to be made up almost entirely of free societies. As President Alfredo Cristiani had said at the Tenth Summit of the Central American Presidents in July 1991, the Latin American peoples, united by their aspirations for freedom, should also be united by the freedom of their aspirations.

31. Mr. ANDERSON (Singapore) said that the euphoria generated by the end of the cold war and the triumph of democracy had led to a promotion of Western ideals which sometimes barely took into account the history, tradition, religion, cultural values or economic conditions of non-Western countries. The representative of the Netherlands, speaking on behalf of the European Community, had recently affirmed before the Committee that, for the Twelve, democratic pluralism, genuine elections and respect for human rights were the basis for economic, social and cultural development. Singapore certainly agreed that they were important, and recalled that the promotion of human rights and democracy had been established as one of the Commonwealth Principles by the Conference of Heads of Government of Commonwealth Countries held in Singapore in 1971. While such conditions were necessary, however, they were not sufficient to ensure rapid growth, especially in the agricultural societies found in many developing countries or in countries in the initial stages of modern industrialization. In those instances, the conditions required were stability, consensus and cooperation, without which the countries concerned would be unable to produce an adequate agricultural surplus on which to build their industrial sectors and feed their peoples. In the urban sectors, economic restructuring meant dislocation, job losses and lower standards of living. If, during the process, everybody had the right to express freely his desires and frustrations, confusion and discord would reign. That was the situation currently facing the peoples of Eastern Europe and the Soviet Union, where great difficulties were being encountered in the transition to an open market system and to liberal democracy. Peoples should accordingly be told the exact truth when being persuaded to accept unavoidable sacrifices and suffering. Responsible Governments and their people should therefore establish a broad consensus or social contract on the policies to be followed.

(Mr. Anderson, Singapore)

32. The history of West Germany and Japan after the Second World War, like that of South Korea, Taiwan, Hong Kong and Singapore during their years of economic take-off in the 1960s and 1970s, showed that they all possessed the crucial preconditions of political stability, broad consensus and cooperation.

33. The new economies of Asia had also been able to prosper because of the generous assistance and market access provided by the developed countries. Unfortunately, economic development would become more difficult for later developing countries as the gap between rich and poor countries increasingly widened. Poverty probably being the principle obstacle to democratic development, it was the responsibility of Western countries to provide greater economic aid and market access to help developing countries break out of that trap. Moreover, the Western countries had shown that they were well aware of their responsibilities. Recently, the Ministers of Finance of the European Community had called for a total Western aid package in excess of $US 7 billion to help the Soviet Union meet its expected winter food short-falls. Such generosity should also be made available to developing countries, particularly those in Africa, if they were to make the successful transition to sustainable democracy. That was one of the conclusions reached by the Harare Conference of Heads of Government of Commonwealth Countries, where the Prime Minister of India had noted that while the supremacy of the democratic model was not in doubt, the immediate problem for developing countries like India was how to feed, shelter and clothe their people. Similarly, the President of Uganda had pointed out that most African countries had started out as democracies, while ending up as military regimes because democracy could not deliver the goods.

34. In addition, for developing countries to adopt effectively the liberal multi-party democracy practised in the West, they should possess certain cultural traits or follow certain practices, including tolerance, consensus, peaceful persuasion and discussion. The political elites must be convinced of the value of democracy and human rights, as their will and skills were imperative to bringing about a successful transition to democracy.

35. The process of building, maintaining and strengthening democracy was even more difficult in the multi-ethnic or tribal societies characteristic of most developing countries. Traditional rivalries and bloody conflicts over race, language and religion were often far stronger than any attachment to abstract political notions, as the current tragedy in Yugoslavia demonstrated.

36. Time therefore had to be allowed for societies to evolve and for reforms to bear fruit. Only when the people had accepted democratic values, and felt outraged when they were violated, would those same values prevail in society.

37. The discipline needed for economic take-off and the risk of instability posed by ethnic and other tensions often provoked poor peoples in developing countries to tolerate authoritarian governments or dictatorships, even military rule, provided the authorities were able to deliver the goods. On

(Mr. Anderson, Singapore)

the other hand, as the decolonization experience had shown, the emphasis on democracy and human rights in newly independent colonies had produced mixed results, often leading directly or indirectly to economic stagnation, racial and religious strife, and a complete breakdown of civil authority.

38. It could therefore be concluded that democracy and human rights were only relevant to developing countries if they took into account different cultures, traditions and historical experiences. As R. Niebuhr had observed, "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary".

39. The more developed a country was, the more democracy was relevant, since it would then have an urban population with a trained and well-educated workforce which would have more demands, particularly regarding the administration of the country. A more representative system of government would then have to be introduced to meet such demands and to facilitate the country's move into the next stage of development.

40. Human rights played a significant role in enhancing the dignity and meaning of life in the process of economic growth which, without respect for such rights, would threaten to produce a soulless society.

41. He briefly recounted the experience of Singapore, which had three major Asian races (Malays, Indians and Chinese). Following its independence in 1965, Singapore had adopted the British parliamentary form of democracy. Ever since, Singaporeans had freely elected their government every four or five years, placing political stability above all else. Democratic institutions were strengthened as the people received a higher education. With the full support of the people, the Government had been able to refine democracy and human rights in an Asian context, taking into account Singapore's political and economic conditions and particular needs. In fact, there was no one single model and each country should take into account its culture, historical experience and needs.

42. Mr. ABDUL-AZIZ (Iraq) said one could not disregard the fact that the principle of human rights and their promotion was the essential condition for achieving peace and national and international justice. However, such rights should be exercised in a humane spirit, without political aims, in accordance with international legal instruments and bearing in mind each country's economic, social and political situation. Human rights could not be measured by a single criterion without a distinction being made, for example, between a country at war and a country in time of peace, or between a developing country endeavouring to achieve prosperity and establish democracy and a country with long experience of stability and democracy.

43. Despite all the difficulties which it still had to overcome, Iraq was profoundly convinced that the promotion of human rights was the way to make progress forward in all fields and in all countries. However, in view of the

(Mr. Abdul-Aziz, Iraq)

trials which it had had to undergo, it had not always been able to respect human rights. On the other hand, before the critical period which it had been going through since 1980, firstly due to the Iran-Iraq war and subsequently the attack by the coalition countries, Iraq had had no problems as far as human rights were concerned. It was regrettable that the issue of human rights in Iraq should be discussed outside that difficult context, in the framework of a media campaign orchestrated by parties well-known for their hostility towards the Iraqi people and Government.

44. Iraq regarded respect for human rights, in both theory and practice, as a fundamental element of its policy. The Government had the political will to eliminate the obstacles to the promotion and application of human rights in accordance with the provisions of the international Conventions to which it was a party.

45. Immediately following the end of the Iran-Iraq war, Iraq had undertaken political and constitutional reforms that had had a positive impact on the human rights situation. The Government had, for instance, reviewed several emergency laws enacted during the war, restored freedom of movement, introduced political pluralism and freedom of the press, held elections for the National Council and the Executive Legislative Council, and promulgated laws on the autonomy of Iraqi Kurdistan.

46. However, the war launched by a coalition of States in the name of the United Nations, but in violation of its Charter, had had harmful effects on the human rights situation in Iraq. The war had been followed by acts of sedition masterminded from abroad and by the pillage of private and public property, so that the Government had had to take responsibility for restoring law and order. The war waged by the coalition had resulted in unprecedented destruction that had gone far beyond military objectives, costing the lives of many civilians and damaging facilities necessary to civilian life, such as water purification and power generation plants; those actions had been condemned by humanitarian organizations.

47. With respect to economic, social and cultural rights and to civil and political rights, his delegation felt obliged to inform the Third Committee, pursuant to General Assembly resolution 45/96, of the serious consequences of the economic embargo imposed on the Iraqi people and its harmful effects on human rights, and particularly the right to life, to proper nourishment and to a decent standard of living. He emphasized the appeal made by the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/L.52), which had expressed its profound concern for the suffering of Iraqi civilians who were facing grave shortages of food and medicines. The Subcommittee had called for emergency measures to save the lives of many people, including children.

48. His delegation also referred to the reports of humanitarian organizations that had visited Iraq, including the report of Mr. Ahtisaari (S/22366) and

(Mr. Abdul-Aziz, Iraq)

that of Prince Sadruddin Aga Khan (S/22799). The embargo had also been extremely damaging to the environment and to public health, so that infant morbidity and mortality had increased considerably. A Harvard team, which had published a memorandum on its investigation, had said that thousands of children would die before the spring if the embargo continued. His delegation wondered whether all those deaths did not constitute a kind of genocide of the innocent, and whether the nations of the world should not feel shame over it.

49. Iraq was struggling courageously with the resources it had available to ensure that its Arab and Kurdish people and its other minorities could fully exercise their rights. Referring to the recent progress of the human rights situation in his country, he observed that laws had been promulgated on political pluralism and freedom of the press, while commissions had been formed to review laws restricting the freedoms of citizens that had been enacted under the difficult conditions Iraq had had to face. A positive dialogue had been initiated between the Iraqi Government and the Kurds with a view to finding a better formula that would give the Kurds more autonomy. Obstacles had been placed in the path of that dialogue by certain parties having an interest in perpetuating the problem as a political asset in order to prevent Iraqi national unity, and it had been very much misrepresented. In his statement of 1 April 1991, the Iraqi Prime Minister had emphasized the efforts being made to rebuild and liberalize the nation and to establish the rule of law.

50. Iraq hoped that the international community would debate the questions raised without partiality and without reference to the political interests of any party. The Iraqi people would be grateful to those who tried to relieve the sufferings of children, women and the elderly, which would end only when the embargo was lifted.

51. He underlined his country's willingness to cooperate with the competent authorities to ensure that truth would prevail. Iraq was ready to cooperate with the Special Representative of the Commission on Human Rights in finding a comprehensive solution to the wrongs it had suffered. All the appropriate Iraqi bodies had been instructed to facilitate the work of the Special Representative, in particular by enabling him to enter the country at any time. His visit would give Iraq the chance to demonstrate its good will and good faith.

52. Mr. MEZZALAMA (Italy) said he fully supported the statement made by the representative of the Netherlands on behalf of the European Community but wanted to make a few additional remarks on the issues of the right to development and of national minorities.

53. It was the common understanding that development was closely linked to human rights and fundamental freedoms. As the Minister for Foreign Affairs of Italy had said in his address to the General Assembly on 27 September 1991, the main danger was the creation of an impassable gulf between rich and poor

(Mr. Mezzalama, Italy)

countries, between the Northern and the Southern hemispheres. In that connection he quoted from the report of the Economic and Social Council (A/46/3, p. 3), which stated that "if development is indeed the new name for peace, we must ensure that its benefits do not remain the privilege of a few, but become the endowment of all". The same report noted, on page 4, that "while it is true that development goes hand in hand with greater respect for the basic freedoms, it is also true that the absence of economic growth may seriously jeopardize the future of the emerging experiments in democracy". The principle was well established within the international community that real development could not be reduced merely to economic growth and to the protection of the economic and social rights immediately related to it. Real development necessarily also entailed promotion of and respect for all civil and political rights and freedoms. Thus, underdevelopment could be no excuse for a weaker discipline in the observance of human rights or for claims of tolerance towards their violation. On the contrary, respect for and promotion of human rights must be part and parcel of the process of development and of the related policies of bilateral and multilateral cooperation. It would be one of the essential tasks of the World Conference on Human Rights to tackle the intrinsic relationship between economic growth, social development, popular participation, democracy and human rights and to find appropriate and well-balanced solutions through a constructive dialogue.

54. Turning to the problem of national minorities, he said that the dramatic events of the previous few days had confirmed the explosiveness of certain situations not only within States, but also at the international level. To avoid misunderstandings, it was necessary to keep the status of national minorities distinct from that of peoples, since only the latter were entitled to exercise, peacefully and by way of negotiations, a right to self-determination. However, minorities had their own ethnic, cultural, linguistic, and religious identity and were entitled to see it recognized. That right, as was clearly established in existing international legislation, and in particular in article 27 of the International Covenant on Civil and Political Rights, could be exercised individually as well as jointly. That approach, developed in the Final Document of the meeting of the Conference on Security and Cooperation in Europe (CSCE) devoted to the human dimension, had been recalled in the report of the meeting of experts at Geneva in July 1991 and in the subsequent meeting of CSCE in Moscow on the human dimension.

55. The open-ended working group of experts instructed by the Commission on Human Rights to develop a declaration on the rights of persons belonging to national minorities was to convene in December 1991 at Geneva. His delegation sincerely hoped that a successful conclusion would be reached and was ready to make its contribution to that end.

56. Interrelation and connection among international institutions dealing with similar or common problems were more than ever favoured by the new cooperative international atmosphere. At the regional level, enormous progress had been made by CSCE and the Council of Europe in establishing

(Mr. Mezzalama, Italy)

principles dealing with the rights of persons belonging to national minorities. The results achieved could serve as example and reference for United Nations efforts in the field of human rights.

57. Mr. SEZAKI (Japan) said that the Secretary-General, in his report on the work of the Organization (A/46/1), had raised the question of the balance between respect for national sovereignty and the protection of human rights, stating: "It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity". That meant that the collective obligation of States to provide relief and redress in human rights emergencies did not in any way constitute interference in domestic affairs.

58. The mechanisms employed by the United Nations to protect and promote human rights operated through dialogue with the countries where violations had been alleged. Such dialogue should be based on an objective analysis of those allegations, but its primary purpose should be to enable the purported violator to mend his ways.

59. Thanking the special rapporteurs for the work which they were carrying out in that important area, he conveyed his delegation's view that it was time to conduct a general review of the effectiveness of all those mechanisms, namely, special rapporteurs and representatives, fact-finding missions and the confidential procedure under Economic and Social Council resolution 1503 (XLVIII), recourse to which was becoming automatic and routine. Human rights could only be properly promoted if all the States Members of the United Nations, including recipient countries, ensured the follow-up of recommendations arising out of those mechanisms.

60. Human rights issues and certain mechanisms, such as the 1503 procedure and the fact-finding mechanism, sometimes caused controversy with regard to their objectivity. Such objectivity was essential if those mechanisms were to retain their credibility. It would therefore be appropriate to consolidate the fact-finding mechanisms of the United Nations system and to strengthen cooperation with non-governmental organizations to ensure that discussions could take place on the basis of reports whose objectivity was assured by the wide range of sources from which they are gathered and by the screening to which they were subjected in accordance with accepted criteria. The usefulness of the reports gathered in that area could be enhanced by a database system, which was an idea meriting careful study, with regard both to its technical feasibility and to its cost-effectiveness.

61. The Japanese Government wholeheartedly welcomed the offer by the German Government to host the World Conference on Human Rights in Berlin, the capital of reunified Germany and symbol of the triumph of freedom, democracy and the rejection of confrontation. The Conference aimed to assess progress in the field of human rights, to examine means of improving the implementation of

(Mr. Sezaki, Japan)

existing standards and to evaluate the effectiveness of the mechanisms used by the United Nations Centre for Human Rights. His delegation believed that such matters as the Conference's rules of procedure and agenda, as well as its preparatory meetings, were sufficiently important to be dealt with on a consensus basis. The Conference would only succeed if it was properly prepared, and, in particular, if its regional preparatory meetings achieved a balance between the need to bear in mind cultural and historical differences between the regions and the importance of not emphasizing those regional differences in a way which could prejudice efforts to ensure universal protection of human rights.

62. With regard to the studies and other documents to be addressed by the Conference, it was essential to lighten the workload of the United Nations Centre for Human Rights by emphasizing quality rather than quantity. The Centre should not be required to compile studies on every modality of human rights protection thereby undermining the quality and, consequently, the usefulness of the documents which it prepared and turning it into a paper mill.

63. One of the main topics to be addressed at the World Conference was the triangular relationship between development, human rights and democracy. Japan believed that the Organization should promote the universal acceptance and implementation of international instruments on fundamental human rights and freedoms, which should be respected by all countries, irrespective of their cultures and their political and economic systems. While he acknowledged the view of developing countries that economic and social development was a prerequisite for respect for human rights, he hoped that the relationship between development, human rights and democracy would be examined in a manner conducive to the reconciliation of different points of view. For its part, the Japanese Government was convinced that development should be pursued in a way that contributed to respect for the economic, social and cultural rights of each individual. From their experience after the Second World War, the Japanese believed that the individual could fully develop his human potential only if he was free. The establishment of a democratic system, as in Japan, gave free rein to individual creativity and, as a result, to economic prosperity.

64. If the leaders of a country achieved political maturity and were ready to respect the will of the population under their charge, democracy could be achieved by peaceful means, in a process assisted by the United Nations and its Member States.

65. To that same end, official development assistance should be conditional upon the respect shown by a recipient country for democracy and human rights. In April 1991 the Japanese Government had chosen precisely that course in deciding to take account, when granting assistance, of trends in the military budget of the recipient country, of efforts which it was making to promote democracy and to introduce a market economy and of the situation concerning basic human rights and freedoms, in full accordance with the principle that

(Mr. Sezaki, Japan)

such financial assistance should contribute to the promotion of economic, social, cultural and political rights of individuals.

66. The Centre for Human Rights should be allocated, if possible in its regular budget, resources commensurate with its workload, whose growing volume reflected the increasingly important role played by the Organization in human rights protection and promotion. In conclusion, he noted the recent establishment in Japan of a parliamentarians' association for cooperation with United Nations human rights activities, set up with the purpose of encouraging those activities.

67. Mr. MEHRPOUR (Islamic Republic of Iran) said that in the view of Islam all human beings had the same origin and that secondary issues such as race, colour, tribal affiliation or nationality should not constitute grounds for discrimination. All human beings possessed an innate capacity for growth, improvement, the attainment of perfection and prosperity. It followed that no one should impose on others his own perception of the right path of action. As stated in article 56 of the Constitution of the Islamic Republic of Iran, God Himself had granted people the ability to determine their social destiny. In accordance with the tenets of Islam, any person who prevented others from shaping their political and social lives violated their fundamental rights. For its part, the Government had the duty to use all its resources to guarantee, within the law, the political and social freedoms of the entire population. It was similarly obliged to promote the participation of the people in determining its political, economic, social and cultural destiny. In that way, the equality of all women and of all men was guaranteed by law.

68. At the same time, in Islam the human being was not only a material creature and its life was not confined to the temporary world. Islam set great store by fidelity, morality and the fulfilment of human potential. It was the responsibility of the Government to create conditions for the social development and the spiritual guidance of the population. The prophets had been sent to rid human beings of false beliefs, superstitious attitudes and other aberrations. Islam made every individual responsible for his own spiritual progress: a person who failed to make the necessary effort was not seeking to obtain human truth and the right beliefs and therefore deserved blame for his insincerity.

69. If people assumed their responsiblility for supporting the growth of human values, it would be possible not only to promote the value of human nature and combat nihilism but also to further the implementation of and respect for human rights. A person who sincerely believed that he was responsible for a meaningful life did not try to violate other people's rights. In a society in which such people formed the majority and ruled society, human rights would not be violated. The Constitution of the Islamic Republic of Iran included such a concept of human nature; it specifically made all individuals responsible for protecting the integrity of all human values and rights in society.

(Mr. Mehrpour, Islamic Republic of Iran)

70. In order to guarantee fundamental human rights and freedoms, article 9 of the Constitution stipulated that no authority had the right to abrogate legitimate freedoms, not even by enacting laws and regulations under the pretext of preserving the independence and territorial integrity of the country. Moreover, in order to eliminate the circumstances that could lead to the restriction and violation of fundamental freedoms, the Iranian Constitution had categorically forbidden the proclamation of martial law. Measures had also been taken to consider citizens' complaints against the Government itself. In that respect, a special administrative justice court, under the supervision of the head of the judiciary branch, had been established to investigate the grievances of individuals against government officials and official organs and statutes.

71. With regard to the administration of justice, the Constitution stipulated that, if an individual suffered material or non-material losses as a result of an error made by a judge, according to Islamic practice the judge would be held responsible; the Government compensated the victim for his material losses and the good standing of the accused was restored. Under article 90, the House of Representatives was the legislative body of the people and, accordingly, it considered all complaints concerning the functioning of the three branches of government.

72. On the threshold of the twenty-first century, the development of human rights issues had opened a new horizon for communities worldwide. Human rights encompassed such basic issues as the elimination of colonialism, racial discrimination, slavery, and the rights of refugees, children and minorities. Human rights institutions were focusing their attention on a host of other matters such as the relationship between human rights and extreme poverty, environment, mass exoduses, development, involuntary disappearances, the rights of indigenous people, mental illness, and child prostitution and pornography. However, all the activities that had been undertaken demonstrated that the international community was interested only in the material dimension of human rights, and did not place sufficient emphasis on moral development and cultural advancement.

73. The Cairo Declaration on Human Rights in Islam, adopted by the Nineteenth Islamic Conference of Foreign Ministers, had been the result of the close cooperation and strong consensus among the 45 members of the Organization of the Islamic Conference, which had enabled them to introduce a comprehensive and progressive legal system in Islam to the world community in order to enhance and complement international human rights standards.

74. Since the Preparatory Committee for the World Conference on Human Rights had included in its agenda the goal of a universal culture on human rights, in accordance with the recommendation of the Commission on Human Rights, the cooperation of Islamic countries was an encouraging factor that could enhance the current system for the protection and promotion of human rights. It

(Mr. Mehrpour, Islamic Republic of Iran)

should be noted that consideration of the constructive observations and proposals of deep-rooted cultures would be a distinctive factor for the success of the Conference.

75. As the States members of the Organization of the Islamic Conference had emphasized in the preamble of the Cairo Declaration on Human Rights in Islam, recent world developments clearly demonstrated that the materialist school was incapable, in the absence of a strong religious belief, to light the way for humanity.

76. In conclusion, his delegation sincerely hoped that, through the active participation of all cultures and societies worldwide, the current problems in the area of human rights could be rectified.

77. Ms. ATTAH (Nigeria) said that the end of the cold war and ideological conflict was creating a positive environment for a more fruitful discussion of human rights. Her delegation welcomed the progress towards democracy in many parts of the world. Nigeria was currently implementing a transition programme that, by the end of 1992, would lead to the return of civil rule. Primary elections had been held in all 30 states of the federation, and elections to the office of governor in each of the states would be held shortly. Many other African countries had decided to return to democracy and political pluralism; that would enable them to establish lasting foundations for the enjoyment of political and social rights, which were two important aspects of human rights.

78. The threat to human rights and democracy inherent in the deteriorating African economic and social situation should not be underestimated. While economic development nurtured democracy and human rights, the reverse was also true. The debt burden, depressed commodity prices and an unfavourable international economic environment were not conducive to the growth of democracy. Africa and other developing countries should therefore be assisted through debt forgiveness, increased development assistance and access to the markets of developed countries. Unless its economic and social situation improved, Africa would not be able to ensure respect for such fundamental human rights as the right to food, shelter, education and health care, on which all other rights depended.

79. The concern of the United Nations for the plight of indigenous people was not only appropriate but also timely. That was why her delegation had supported the proclamation of 1993 as the International Year for the World's Indigenous People, and hoped that the programme of activities for the Year would lead to global concern for the life and welfare of indigenous people. Her delegation welcomed the Secretary-General's report on the preparations for the Year (A/46/543) and endorsed the recommendation that representatives of indigenous people should be involved in all facets of the planning, implementation and evaluation of the programme of activities for the Year.

(Ms. Attah, Nigeria)

Indigenous people should also be involved in all aspects of the decisions concerning the activities of the Year that affected them. The success of the Year depended, in part, on the funds that Member States would be willing to allocate for the Year.

80. The World Conference on Human Rights, which would be convened at Berlin in 1993, would offer Member States the opportunity to review world progress in the implementation of human rights instruments since 1948 and to chart new paths for the enjoyment of political, civil, social, economic and cultural rights by all. It was therefore essential that every Member State should participate in that important Conference.

81. While the world was moving away from the threat of global war, local conflicts continued to have serious implications for the exercise of human rights because they involved mass migration and severely taxed the resources of receiving States. Political repression and natural disasters were other major causes of mass exoduses. Her delegation took note of the Secretary-General's report on that situation (A/46/542) and welcomed the establishment of the Ad Hoc Working Group on Early Warning regarding New Flows of Refugees and Displaced Persons, which should submit its report as soon as possible. The solution of the problem of mass exoduses lay in addressing the conditions that led people to migrate. The international community should assist the developing countries to develop their economies in order to stem the flow of economic refugees and to increase the opportunity for their citizens to exercise their civil, political and social and economic rights.

82. The mentally ill represented a category of humanity whose rights were either not adequately protected or who were hardly considered as deserving of any rights. The principles for the protection of persons with mental illness and the improvement of mental health care contained in document A/46/421 constituted a good starting point for the resolution of the problems of such people. However, in most developing countries health-care systems were on the verge of collapsing due to the inability of the States to fund them. The international community had the duty to arrest that development.

83. In the 43 years since the adoption of the Universal Declaration of Human Rights, there had never been more States parties to the Declaration and to the other legal instruments derived from it. That had necessarily increased the workload of the United Nations Centre for Human Rights. In the report on the activities of the Centre for Human Rights (A/46/603), the Secretary-General had indicated that the Centre had established a programme of technical cooperation with the African Commission for Human and Peoples' Rights of the Organization of African Unity. It had also extended internships to over 100 people in 1990 and 1991. Furthermore, the Centre was also preparing for the Berlin World Conference on Human Rights in 1993 and the International Year for the World's Indigenous Peoples. Given its expanded mandate and workload, the Secretariat had rightly asked for more resources. It was essential that the minimal increase requested in resources should be approved.

(Ms. Attah, Nigeria)

84. After four decades of unrelenting pressure, South Africa had finally been induced to abolish part of its apartheid legislation, to release many political prisoners and to lift the ban on opposition parties. However, South Africa still had a long way to go. Not all political prisoners had been freed, nor had all exiles been allowed re-entry into the country. In a last gasp, the Government had also been collaborating with elements created by it to unleash inter-ethnic and inter-party violence, which had claimed thousands of victims. Confronted with the apathy of the Pretoria authorities regarding that violence, one was led to wonder whether the Government really intended to bring about a new order in South Africa and to surmise that the changes in South Africa were not irreversible.

85. In his report on torture and inhuman treatment of children in detention in South Africa (A/46/473), the Secretary-General recalled that children from 10 to 17 years old were in detention for merely exercising their rights to a good education and protesting against oppression. Those adolescents were being denied their childhood, and, worse still, they were being denied education, and if ever released they could be hounded out of the country. The international community should force South Africa to provide information about the children who had been killed and should release all the children and adolescents who were languishing in jail.

86. Mr. BAEV (Bulgaria) said that two years since the fall of the Berlin wall and the victory of democracy in Eastern Europe, it should be realized that the democratic changes were not a passing moment in time, but a manifestation of a profound and irreversible drive for democracy, liberty, prosperity and effective protection of human rights, and that humanity was once and for all turning a page in its history which had been marred by the excesses of communism, totalitarianism and military dictatorships.

87. There was no doubt that the United Nations stood at the core of all such changes and that by proclaiming the Universal Declaration of Human Rights and drawing up the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, as well as all the subsequent conventions in the humanitarian sphere, it had built up a whole system of international standards and values which had ultimately eroded long-established ideological stereotypes.

88. As the representative of a nation which had made a dramatic turn in its history, he said that strict observance of commitments derived from those standards would be a major guarantee and precondition for the development and strengthening of a democratic society. Despite the numerous difficulties which they were encountering, the profound political, legal and economic reforms under way in his country were aimed at establishing an effective democracy and giving human rights a central place within its scale of values. In its efforts to rid itself of its legacy of the past and prejudices accumulated over the years and to restore forgotten democratic conditions, Bulgaria was confronted with numerous concrete problems, inasmuch as democracy

(Mr. Baev, Bulgaria)

was not a single act, but rather a daily effort, a constantly evolving process requiring a balance of interests.

89. If internal peace had been preserved in his country during that great period of reforms, it was thanks to the understanding, patience and realism displayed by the Bulgarian people. That stabilizing factor at the regional level had received appreciation from the European institutions and from world public opinion. The preservation of internal peace and the strengthening of ethnic tolerance in Bulgaria could currently and in the future have a positive influence on the situation in the Balkans, which remained extremely tense, causing justified alarm among the international community.

90. By implementing a transition towards a democratic society and a market economy in the conditions of a grave economic crisis, Bulgaria had proven its resolute commitment to the principles of pluralistic parliamentary democracy. Free and democratic elections had been held twice in less than a year and a half, and the results of those elections were further evidence of the voters' support for the reform process. For the first time in 45 years, Bulgaria would be governed by a coalition without communist participation. The way in which those elections had been organized, as well as the presence of international observers invited by the Bulgarian authorities and the transparency of the work of the election committees at the polling stations demonstrated the viability of the principle of genuine and periodic elections in his country.

91. The first concern of his country had been to guarantee the entire set of basic human rights and fundamental freedoms which were currently being further codified in conformity with the new Constitution adopted in the summer of 1991, in order to allow citizens to make the fullest use of their basic political, civil and social rights. Freedom of assembly and association, freedom of thought, conscience and expression, the right to participate in the conduct of public affairs through periodic elections, as well as freedom of religion were now guaranteed to all Bulgarian citizens, including those belonging to different ethnic, religious and language groups.

92. The new Bulgarian Constitution had radically changed the relationship between internal and international law, since the international treaties to which Bulgaria was a party were now part of its internal law and took precedence over such provisions of the national legislation as might contradict them. That principle also applied to all the principal international human rights instruments.

93. However, as was well known, mere accession to international conventions was not enough to ensure their effective observance. Therefore, the issue of control of their implementation at the international as well as the internal level was of great importance. Bulgaria noted with great interest that there was now a tendency to seek international responsibility in cases of flagrant and mass violations of human rights and fundamental freedoms and to take

(Mr. Baev, Bulgaria)

international action in response to those, without such action being considered as interference in the country's internal affairs.

94. The Bulgarian Parliament was currently examining a bill on the accession of Bulgaria to the Optional Protocol to the International Covenant on Civil and Political Rights. In June 1991, Bulgaria had furthermore ratified the Convention on the Rights of the Child and was preparing to accede to the Convention relating to the Status of Refugees. The adoption and implementation of world and European human rights standards was of particular importance for Bulgaria since it had requested admission as a fully fledged member of the Council of Europe.

95. Emphasis should be placed not only on implementing human rights instruments effectively but also on having the media publicize them as widely as possible. Within the framework of preparations for the 1993 World Conference on Human Rights, the dissemination of information should become a priority for United Nations activities in the social and humanitarian sphere. The Organization's assistance was indispensable in reforming national legislative and administrative practices, largely through the implementation of concrete projects in individual Member States. Bulgaria, for example, had proposed that a human rights information and documentation centre should be established at Sofia and was currently making all the necessary preparations. In preparing for the World Conference on Human Rights, the United Nations should inform the public about existing international standards in the social and humanitarian sphere as part of the World Public Information Campaign on Human Rights. His country was prepared to host a regional conference on those subjects.

96. He welcomed the growing cooperation between his country and the Centre for Human Rights and the official visit to Bulgaria in the summer of 1991 by the Under-Secretary-General for Human Rights. A seminar had been organized by the Bulgarian Parliament together with the Centre and the non-governmental organization International Human Rights Law Group in connection with the drafting of the new Bulgarian Constitution. Bulgaria was willing to continue its cooperation with the Centre pursuant to the agreements reached.

97. Restructuring the activities of United Nations bodies and agencies dealing with human rights was of particular importance. Such activities included the ongoing rationalization of the work of the Third Committee and the Economic and Social Council, streamlining the financial and personnel policy of the Centre for Human Rights, and enhancing the role of new structures, including working groups of experts and special rapporteurs. It was also important to intensify the activities of the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees (UNHCR), whose mechanisms and procedures also needed streamlining.

(Mr. Baev, Bulgaria)

98. Bulgaria had radically changed its attitude towards the activities of non-governmental organizations, whose role in deepening the democratic process it now recognized, and believed that individual States should display greater willingness to engage in constructive dialogue and to cooperate with such organizations.

99. Mr. SENE (Senegal) said that the wind of freedom that was sweeping the planet and the fundamental aspirations of peoples for democracy and development made it possible for the international community to reaffirm that the protection of human rights was one of the cornerstones of peace, collective security and development. The development of norms, the studies that had been carried out and the progress achieved in the ratification of international covenants, conventions and instruments relating to human rights and fundamental freedoms made it possible to measure the human dimension of development. The work done by the special rapporteurs and special representatives and by the working groups, together with the consideration of a growing number of complaints and the expanding role of consultancy services in the area of international cooperation aimed at protecting the exercise of human rights in all the regions of the world, also contributed to that effort. The same was true of the extensive information, education and training programme currently being carried out in most parts of the world to combat torture, racism and racial discrimination, contemporary forms of slavery, religious intolerance and the use of narcotic drugs as well as to improve the status of children and women and protect the rights of minorities. The efforts of the mass media, which had apprised the world of the tragic fate of the Haitian refugees at sea, were to be commended, as was the decision of the United States of America to accept those unfortunate people. He also commended the Centre for Human Rights which, despite its limited financial and human resources, was engaged in work that clearly demonstrated the interdependence and universality of human rights. More than ever before, the world currently possessed the scientific and technical capacity to formulate concepts of human rights which respected the diversity of cultures and civilizations.

100. The universality of human rights was upheld in the Charter of the United Nations and by the need to create international conditions of security and confidence, which were essential for ensuring the progress of human rights, peace and development at the national, regional and international levels. Account should also be taken of the principles of objectivity, non-selectivity and the indivisibility of economic, social, political and cultural rights. The 1993 World Conference on Human Rights should review the progress made since the proclamation of the Universal Declaration of Human Rights in 1948, thereby opening a new chapter in the history of international cooperation for the protection of human rights, through the activities of the monitoring bodies of expert committees, non-governmental organizations and national and international agencies. Senegal had been an active participant in the first session of the Preparatory Committee for the Conference and reaffirmed its support for the decisions that had been adopted.

(Mr. Sene, Senegal)

101. Human rights, as the human dimension of development, should permeate all United Nations activities aimed at the establishment of a new world order imbued with the ethic of fraternity and solidarity. In that context, it was necessary to identify the type of preventive diplomacy that ought to be pursued at the regional and international levels in order to find a solution to the problem of massive violations of human rights, which threatened international peace and security, and the role that ought to be played by an ombudsman or mediators at the national level in the settlement of disputes; it was also essential to settle the political upheavals and wars caused by growing nationalism, obscurantism and xenophobia which generated flows of millions of refugees and displaced persons and presented UNHCR, humanitarian organizations and host countries with major moral problems that required solutions involving the provision of protection and assistance in a spirit of tolerance, human fraternity and respect for international legal instruments. In such a new world order, innovative steps should be conceived to prevent and provide early warning of conflicts in order to forestall threats to peace and to guarantee security, the protection of human rights, and development, while respecting the natural environment and the historical continuity of peoples and nations. There was a need for general awareness to combat violations of norms that were universally recognized and set out in international instruments that had already been ratified by a number of States.

102. Senegal, for its part, had always endeavoured to respect in practice the principles of law and the obligations that derived therefrom. His country was pleased to be hosting a number of international conferences, including a symposium organized jointly with the Council of Europe and several non-governmental organizations on the theme of democracy and development, the meeting of the International Federation of Human Rights under the auspices of the President of Senegal, and the Islamic Summit Conference, to be held from 9 to 12 December 1991.

The meeting rose at 12.50 p.m.